

application. No new matter has been added. The claim amendments are directed to previously claimed subject matter.

Objection To The Drawings

The Action states that the “Drawings are objected to for failing to distinctly and clearly label on the elements with appropriate legend as required under 37 CFR 1.84(o).”

It is noted that 37 CFR 1.84(o) states “*Legends*. Suitable descriptive legends may be used, or may be required by the Examiner, where necessary for understanding of the drawing, subject to approval by the Office. They should contain as few words as possible.”

Applicants can only speculate as to what “legends” (suitable descriptive words) the Examiner desires in the drawings. The Action is silent as to what words should comprise the requested “legends” and where these “legends” should be placed in the drawings. For these reasons Applicants respectfully submit that they are unable to fully address the Action until the Patent Office clarifies the drawing objection.

Applicants have carefully reviewed the drawings. It is respectfully submitted that all features that are essential for a proper understanding of the disclosed invention are shown in the drawings. Furthermore, the reference numerals in the drawings correspond to the reference numerals in the specification. It is respectfully submitted that the objection to the drawings, as best understood, has been overcome.

Furthermore, this is the second time this drawing objection has been made by the Office without any clear explanation as to the alleged drawing deficiency. Applicants again request that the Office either clarify or withdraw the drawing objection.

The Pending Claims Are Not Obvious in View of the Cited Art

In the Action, claims 1-4, 12-13, 18-19, 24-28, and 37-42 were rejected under 35 U.S.C. § 102(b) as being anticipated by Casale et al. ("Casale"). Claims 1-11, 14-24, 28-39, and 41-46 were rejected under 35 U.S.C. § 102(b) as being anticipated by McClure et al. ("McClure"). Claims 5-11, 14-16, 20-23, 29-36, and 43-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Casale in view of McClure. Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Casale in view of McClure and further in view of Kaehler. These rejections are respectfully traversed.

Brief Description of the Invention

The present invention is directed to a system (10) for carrying out transactions. In an exemplary embodiment of the invention the system includes customer stations (18) and a service provider ("SP") station (14). The system may be confined within a building (12) and provide better service and enhanced security by separating the customer stations and the service provider stations. The system may use a single service provider to service several customer stations, and service the customers in the proper order despite the fact that customers may approach different customer stations. The building comprises an interior area which includes an interior wall. The SP station may be housed in the interior area. At least one component of the customer station may also be positioned within the interior area. The SP station may also be located in a secure room (36) of the building.

Audio and video communications may be established between customers at the customer stations and the service provider at the SP station. Items may be exchanged between customers and the SP through carriers (26). The carriers (26) may be transmitted through a pneumatic tube

system (22). A video material presentation device (50) may be provided to present promotional or other video material on displays at the customer stations. Video material may be presented to customers while the customer station is not in communication with the service provider station. The customer stations may be readily installed and configured in the transaction facility to maximize the floor space available for other purposes.



**The Cited References Do Not Disclose or Suggest
the Features and Relationships Recited in Applicants' Claims**

Anticipation pursuant to 35 U.S.C. § 102(b) requires that a single prior art reference contain all the elements of the claimed invention arranged in the manner recited in the claim.

Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983).

Anticipation under 35 U.S.C. § 102(b) requires in a single prior art disclosure, each and every element of the claimed invention arranged in a manner such that the reference would literally infringe the claims at issue if made later in time. *Lewmar Marine, Inc. v. Barient, Inc.*, 822 F.2d 744, 747, 3 USPQ2d 1766, 1768 (Fed. Cir. 1987).

Before a claim may be rejected on the basis of obviousness, the Patent Office bears the burden of establishing that all the recited features of the claim are known in the prior art. This is known as *prima facie obviousness*. To establish *prima facie obviousness*, it must be shown that all the elements and relationships recited in the claim are known in the prior art. MPEP § 2142.

Absent a showing of a teaching, suggestion or motivation to produce a claimed combination, an obviousness rejection is not proper. *Panduit Corp. v. Denison Mfg. Co.*, 810 F.2d 1561, 1568, 1 USPQ2d 1593 (Fed. Cir. 1987). *In re Newell*, 891 F.2d 899, 901, 902, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989).

The teaching, suggestion or motivation to combine the features in prior art references must be clearly and particularly identified in such prior art to support a rejection on the basis of obviousness. It is not sufficient to offer a broad range of sources and make conclusory statements. *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

It is respectfully submitted that the Action does not meet this burden.

The Casale Reference

The reference to Casale is directed to a food service facility. The facility includes a building (10) having a base level housing (12) and a second level housing (14). The base level housing (12) includes walk-up windows (20) and drive-up windows (22). The second level housing (14) is positioned atop the base level housing (12) and extends outward over drive-up lanes (16, 18). Food is prepared in the second level housing (14), conveyed to service personnel in the base level housing (12), and handed to a patron via a window (20, 22).

Figures 12 and 13 show a menu and display unit disposed on the lot containing the building (10), preferably in the drive-up lanes (16, 18). The unit includes an inner housing (52) and an outer housing (50). The unit includes a speaker/microphone (58) and a menu (60). A monitor (62) permits displaying the cashier. Likewise, a camera may be positioned on the unit enabling the cashier to view the patron. The inner housing (52) is proportioned and decorated just as an aluminum can of soft drink.

A conveyor (90) transports the food to the lower level (12) via ramps (96, 97, 97'). As shown in Figures 9-11, the conveyor (90) includes a pneumatic column (102) providing support and motive force for a delivery unit (104) which slides up and down the column (102). The delivery unit (104) includes a tray (108). As the delivery unit (104) falls and approaches the

delivery position, an ejection/retraction gear (112) engages an ejection/retraction strip (114) causing the gear (112) to drive belts (110) forward and thereby eject the tray (108) onto a ramp (96, 97). At its lowest point, the delivery unit (104) engages an activation switch (116), which causes compressed air to drive the delivery unit (104) back up to its home position. A worker in the second level housing (14) prepares the food package, places the package on the tray (108), then hits an activation switch releasing the delivery unit (104) to travel downwardly. Alternatively, the conveyor (90) may comprise a roller and belt assembly as shown in Figures 14-15. Beverages, ice, and cups are provided to the base level housing (12) from the upper level housing (14) by means of a multi-purpose column (28). As shown in Figure 15, the ramps (96, 97) wrap around on either side of the column (28) to create two serving stations.

The McClure Reference

The reference to McClure is directed to service facilities and equipment. More particularly, it deals with a closed circuit television and pneumatic tube dispatch system for the servicing of bank customers who are located at a customer service facility outside the bank. The facilities include an exterior customer station (10) for use by a customer (12) in an automobile (14), and an interior bank station (18) located within the bank and operated by a bank teller (20). The customer station (10) includes a camera (22), TV receiver (29), and a speaker and microphone unit (31). The teller station (18) includes a camera (30, 30'), TV receiver (24, 24'), and a speaker and microphone unit (32, 32'). The teller station (18) may service plural customer stations (I and II). Pneumatic conveyor tubes (42) permit two-way dispatch of material in a capsule (40) between the operator station (18) and a customer station (10).

The Kaehler Reference

The reference to Kaehler is directed to a fuel dispenser/operator intercom system. The apparatus is for installation in a retail setting for selling fuel and other non-fuel products. The apparatus allows a customer, when pumping fuel into a vehicle, to consider and decide to purchase items presented to the customer over a video display screen (32) and menu item board (46) located on the fuel dispenser housing (12). The apparatus may combine external advertising and promotional capabilities with the added personal interaction associated with operator attended drive-through service/product transactions. An operator is located at a data entry terminal (26).

The Features Recited in Applicants' Claims Patentably Distinguish Over Casale

In the Action, claims 1-4, 12-13, 18-19, 24-28, and 37-42 were rejected under 35 U.S.C. § 102(b) as being anticipated by Casale. The Action alleges that Casale discloses a building (10); an SP station (14); SP visual display, SP CCTV camera, SP audio transmitting device and receiving device (col. 2, lines 27-56); delivery and receiving device (90); customer station (12); customer visual display (62); customer audio transmitting device and receiving device (58); and customer frame and an opening (22).

These rejections are respectfully traversed. Applicants traverse these rejections on the grounds that the Casale reference does not contain all the elements of the claimed invention arranged in the manner recited in the claims. The features recited in Applicants' claims patentably distinguish over the Casale reference.

Claim 1

Claim 1 is specifically directed to a transaction system. The claim recites an SP station and a customer station positioned inside of the same building. The claim further recites that the SP station includes therein an SP carrier delivery and receiving device. The claim further recites that the customer station includes therein a customer carrier delivery and receiving device. The claim further recites that the carrier delivery and receiving devices are in operative connection with each other.

Casale does not disclose both an SP carrier delivery and receiving device and a customer carrier delivery and receiving device. Neither does Casale disclose such devices in operative connection with each other.

The Action alleges that Casale discloses an SP station (second level housing 14) and a customer station (base housing 12). However, Casale does not disclose that a “carrier is enabled to be selectively moved with a transaction item between the customer station and the SP station.” There is no indication in Casale that a carrier is enabled to be selectively moved with a transaction item from the alleged customer station (12) to the alleged SP station (14). Nor is there any indication in Casale that the alleged SP station (14) has a customer carrier delivery and receiving device for receiving a carrier delivered from the alleged customer station (12). Nor is there any indication of a separate carrier delivery and receiving device in each station.

In Casale, the tray (108) appears to remain in its ejected state during initial upward travel until reaching the strip (114). Therefore, the tray (108) does not appear capable of delivering a transaction item from the alleged customer station (12) to the alleged SP station (14). Furthermore, it appears that the location and length of the “off loading” ramps (96, 97) prevents worker access to the tray (108). Casale does not disclose that a transaction item is selectively

movable from either of the SP or customer stations to the other respective SP or customer station in the manner recited in the claim.

Additionally, Casale does not disclose having the asserted SP station and the asserted customer station in the same building. In Casale the inner housing (52) is used by a customer or patron. The inner housing (52) is separate from the alleged customer station (base housing 12) and the alleged SP station (second level housing 14). The inner housing (52) is part of a menu and display unit disposed on the lot containing the fast food building (10), preferably in the drive-up lanes (16, 18). The inner housing (52) is disposed at a distance from the pick-up window (22). The arrangement of Casale is similar to known drive-thru fast food establishments where the customer first places their order at a menu location, then drives to the pick-up window (22) to pay for and receive their previously placed order. Therefore, the transaction occurs by hand at the pick-up window (22). There is no delivery device located at the inner housing (52). Since the food is picked up at the window, there is no need for such a delivery device.

Therefore, Casale does not disclose or suggest that “the SP station and the customer station are positioned inside of the building.”

Casale does not disclose each and every element of the claimed invention arranged in the manner recited in the claims, as is required to sustain the rejection. Hence, Applicants’ claim patentably distinguishes over the Casale reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 102(b) rejection has been overcome.

Claim 28

Claim 28 is an independent claim which recites exemplary features of Applicants’ transaction system. The claimed invention relates to a transaction system including a customer station. The customer station is produced by a particular method. The method includes the steps

of producing an opening in an interior building wall, and positioning a frame in the opening in supporting connection with the wall. The method further includes positioning a transaction component in supporting connection with the frame. The method further includes mounting a cover, having a component opening, in supporting connection with the wall in overlying relation of the wall opening. A useful aspect of an exemplary embodiment of the invention is that the customer station can be installed in an interior wall of a building. The construction provides a customer station that occupies minimal floor space and may be relatively easy to install and service.

The Action alleges that Casale discloses an SP station (second level housing 14) and a customer station (base housing 12). The Action also alleges that Casale discloses a customer station comprising “a frame (the drive in window inherently has a frame and an opening for the customer pick up food or product) and an opening (22 of fig. 1).”

The Applicants disagree. There is no showing Casale has a frame. An aperture may be commonly referred to as a “window” and there is no necessity of a separate frame structure. However, even if it were possible that the drive in window may have a frame, there is no teaching or suggestion that Casale includes “positioning at least one transaction component in supporting connection with the frame.” Casale does not disclose a transaction component positioned in supporting connection with a frame as recited in Applicants’ claim.

Claim 28 specifically recites “mounting a cover” having a “component opening” and that the “transaction component is accessible through the component opening.” Casale does not disclose a cover having an opening in the manner recited. Nor does Casale disclose that a transaction component is accessible when the cover is in overlying relation of a wall opening.

Nothing in the cited art discloses or suggests the recited features in claim 28. Nothing in

Casale discloses or suggests positioning a frame in an interior building wall opening. Nothing in Casale discloses or suggests positioning a transaction component in supporting connection with such a frame. Nothing in Casale discloses or suggests mounting a cover, having a component opening, in supporting connection with the wall in overlying relation of the wall opening.

Casale does not disclose each and every element of the claimed invention arranged in the manner recited in the claims, as is required to sustain the rejection. Hence, Applicants' claim patentably distinguishes over the Casale reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 102(b) rejection has been overcome. It follows that the claims which depend from this claim are likewise allowable.

Claim 38

Claim 38 is an independent claim which is specifically directed to a system. The claim specifically recites an "SP station" and a "customer station."

Casale does not disclose the recited "SP station" and "customer station." The Action alleges that the second level housing (14) of Casale is the SP station. However, the alleged second level housing (14) does not meet the recited features of the SP station. The second level housing (14) lacks the recited visual display, camera, audio transmitting device, audio receiving device, and SP pneumatic tube carrier delivery and receiving device. Also, the cashier or person taking the order (e.g., the asserted service provider) is clearly in the base level housing (12) (col. 6, lines 29-33). Therefore, the second level housing (14) does not disclose or suggest the features of the recited SP station.

Furthermore, the base level housing (12) does not meet the features of the recited SP station. The base level housing (12) does not disclose a SP pneumatic tube carrier delivery and receiving device in operative connection with a customer pneumatic tube carrier delivery and

receiving device. The inner housing (52) also does not include the recited features of Applicants' SP station. The inner housing (52), which is separate from the base level housing (12), includes a display, camera, and audio devices. However, the inner housing (52) is part of a menu and display unit disposed on the lot containing the fast food building (10), preferably in the drive-up lanes (16, 18). The inner housing (52) is disposed at a distance from the pick-up window (22), otherwise the display, camera, and audio devices would be unnecessary. This arrangement of Casale is similar to known drive-thru fast food establishments where the customer first places their order at a menu location, then drives to the pick-up window (22) to receive their previously placed order. There is no customer pneumatic tube carrier delivery and receiving device at the inner housing (52). Since the food is picked up at the window, there is no need for a delivery device at inner housing ((52). Nor is it seen how a pneumatic tube carrier delivery and receiving device would operate at a fast food drive thru. Therefore, the base level housing (12) does not disclose a SP pneumatic tube carrier delivery and receiving device in operative connection with a customer pneumatic tube carrier delivery and receiving device in the manner recited.

Furthermore, the base level housing (12) does not meet the features of the recited customer station. The Action alleges that the customer station is the base level housing (12). However, the base level housing (12) does not disclose a customer pneumatic tube carrier delivery and receiving device in operative connection with an SP pneumatic tube carrier delivery and receiving device in the manner recited. The alleged SP station, the second level housing (14), lacks the recited visual display, camera, audio transmitting device, or audio receiving device. Therefore, the alleged customer station, the base level housing (12), does not disclose a display in operative connection with a SP camera; a camera in operative connection with an SP display; an audio transmitting device in operative connection with an SP audio transmitting

device; an audio receiving device in operative connection with an SP audio receiving device; or a pneumatic tube carrier delivery and receiving device in operative connection with an SP pneumatic tube carrier delivery and receiving device.

Furthermore, the inner housing (52) does not meet the features of the recited customer station. The inner housing (52) lacks a customer pneumatic tube carrier delivery and receiving device. As previously discussed, the customer simply drives to the pick-up window (22) to receive their previously placed order. Therefore, the inner housing (52) does not disclose a customer pneumatic tube carrier delivery and receiving device in operative connection with an SP pneumatic tube carrier delivery and receiving device in the manner recited.

The Action alleges that Casale discloses an SP delivery and receiving device (90) and a customer carrier delivery (90). However, these are the same device (conveyor 90). The claim recites two separate pneumatic tube carrier delivery and receiving devices in operative connection. Therefore, Casale does not disclose an SP pneumatic tube carrier delivery and receiving device in operative connection with a customer pneumatic tube carrier delivery and receiving device, in the manner recited.

Casale does not disclose a system with two-way video and two-way audio and pneumatic tube carrier communication between a customer and a service provider housed in the interior area of a building in the manner recited. Nothing in the cited art discloses or suggests having a customer component positioned within the interior area of the same building as the service provider station. Such construction is totally contrary to prior uses of a customer station component and a service provider station.

Casale does not disclose each and every element of the claimed invention arranged in the manner recited in the claims, as is required to sustain the rejection. Hence, Applicants' claim

patentably distinguishes over the Casale reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 102(b) rejection has been overcome. It follows that the claims which depend from this claim are likewise allowable.

Claim 41

Claim 41 is an independent claim which is specifically directed to a system. The claim specifically recites that a customer station “component is in supporting connection with the frame.”

The Action alleges that Casale discloses an SP station (second level housing 14) and a customer station (base housing 12). The Action also alleges that Casale discloses a customer station comprising “a frame (the drive in window inherently has a frame and an opening for the customer pick up food or product) and an opening (22 of fig. 1).”

The Applicants disagree. There is no showing that Casale has such a frame. Furthermore, even if the drive in window were to have a frame, there is no indication in Casale that a customer station “component is in supporting connection with the frame.” Where does Casale disclose a customer station component positioned in supporting connection with the alleged window frame? Casale does not disclose that a customer station “component is in supporting connection with the frame” in the manner recited.

The Action also alleges that Casale discloses a customer station (12), a customer visual display (62), and a customer audio transmitting device and receiving device (58). However, Casale’s inner housing (52) includes the alleged display (62) and the alleged audio transmitting device and receiving device (58). Applicants respectfully disagree. As previously discussed, the inner housing (52) is separate and distant from the base level housing (12). The inner housing (52) is part of a menu and display unit disposed on the lot containing the fast food building (10),

preferably in the drive-up lanes (16, 18). The inner housing (52) is disposed at a distance from the pick-up window (22) of the alleged customer station (12). Therefore, the alleged customer station (12) does not include either of the alleged customer visual display (62) or the alleged customer audio transmitting device and receiving device (58).

Casale does not disclose each and every element of the claimed invention arranged in the manner recited in the claims, as is required to sustain the rejection. Hence, Applicants' claim patentably distinguishes over the Casale reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 102(b) rejection has been overcome. It follows that the claims which depend from this claim are likewise allowable.

**Dependent Claims Recite Features Which Further
Patentably Distinguish Over Casale**

Claim 2

Claim 2 depends from claim 38 and further recites features that patentably distinguish the claimed invention over the applied art. The claim specifically recites that "the customer station is positioned within the interior area of the building." Casale does not disclose the feature in the manner recited. Thus, it is respectfully submitted that the claim is further allowable.

Claim 3

Claim 3 depends from claim 2 and further recites features that patentably distinguish the claimed invention over the applied art. The claim specifically recites that "a plurality of customer stations are positioned within the interior area of the building." Casale has no corresponding feature. Thus, it is respectfully submitted that the claim is further allowable.

Claim 4

Claim 4 depends from claim 38 and further recites features that patentably distinguish the

claimed invention over the applied art. Claim 4 further recites that at least one of the components of the customer station is in supporting connection with the frame.

The Action alleges that Casale discloses a customer station (base housing 12) comprising “a frame (the drive in window inherently has a frame and an opening for the customer pick up food or product) and an opening (22 of fig. 1).”

The Applicants disagree as previously discussed. Furthermore, even if the drive in window were to inherently have a frame, there is no indication in Casale that a customer station component “is in supporting connection with the frame.” Where does Casale disclose a customer station component positioned in supporting connection with the alleged window frame? Casale does not disclose a customer station component in supporting connection with a frame in the manner recited. Thus, it is respectfully submitted that claim 4 is further allowable.

Claim 12

Claim 12 depends from claim 38 and further recites features that patentably distinguish the claimed invention over the applied art. Claim 12 further recites that the system of the claimed invention includes a plurality of customer stations which are operatively connected and serviced by a single service provider station. Claim 12 further recites that the service provider station includes a communication selector device which enables the service provider to control the video and audio connections between the service provider station and any one of the customer stations. Nothing in the cited art discloses or suggests this.

The Action alleges that the SP station (second level housing 14) “is in operative connection with a communication selector device (protestable menu and order display unit) (col.6, lines 48-57).” The Applicants disagree. There is no indication in Casale of a video and audio connection between the alleged SP station (14) and the alleged customer station (12).

There is no indication in Casale of the “connection” being responsive to an input to the alleged communication selector device (protestable menu and order display unit). Casale at the referenced col.6, lines 48-57 does not address a video and audio connection or a communication selector device. Thus, it is respectfully submitted that the claim is further allowable.

Claim 13

Claim 13 depends from claim 12 and further recites features that patentably distinguish the claimed invention over the applied art. Claim 13 further recites that at least one customer station includes a sensor. Claim 13 further recites that the sensor is operative to sense a person positioned adjacent a customer station. Claim 13 further recites that the service provider station includes an indicator which gives an indication of the presence of a person adjacent the customer station. The cited art does not disclose or suggest this.

The Action alleges that the customer station (12) “comprises sensor (camera) to sense a person adjacent the customer station (col. 6, lines 33-36).” The Applicants disagree. The Action has already alleged that Casale’s camera constituted the recited SP CCTV camera. Hence, the alleged camera cannot constitute both the recited “SP CCTV camera” and the recited “sensor.” Furthermore, Casale does not disclose an “indicator in operative connection with the sensor” in the manner recited. Thus, it is respectfully submitted that the claim is further allowable.

Claim 18

Claim 18 depends from claim 2 and further recites features that patentably distinguish the claimed invention over the applied art. The claim specifically recites that “the SP station is housed in the secure room” and “the customer station is disposed outside of the secure room.”

The Action alleges that “the second housing (SP station) is inside the building (10) so the SP station is housed in a secure room (where the service person only).” The Applicants disagree.

There is no indication in Casale that the alleged SP station (14) is housed in a secure room. Furthermore, even if it were possible for the alleged SP station (14) to be housed in a secure room, there is no indication in Casale that a “customer station is disposed outside of the secure room” in the manner recited. Thus, it is respectfully submitted that claim 18 is further allowable for this reason.

Claim 19

Claim 19 depends from claim 18 and further recites features that patentably distinguish the claimed invention over the applied art. The claim specifically recites that “each of the customer stations being in operative connection with the SP station.” Claim 19 recites that the claimed system includes a number of customer stations. Claim 19 further recites that all of these customer stations are in the building in which the secure room occupied by the service providers is also located.

The Action alleges a “plurality of customer stations (the first remotely locatable, and another remotely locatable)(col. 2, lines 11 and 36).” The Applicants disagree. The Action alleges a customer station (12). Casale at the referenced col.6, lines 48-57 does not address a “plurality of customer stations.” The referenced col.6, lines 48-57 refers to the “first remotely locatable, protectable menu and order display unit” corresponding to the elements (50, 52) in Figures 12 and 13. “Figures 12-13 show embodiments of a remotely locatable, protectable menu and order display unit” (col. 6, lines 3-4). Casale does not disclose a “plurality of customer stations” in the manner recited. Thus, it is respectfully submitted that the claim is further allowable.

Claim 24

Claim 24 depends from claim 38 and further recites features that patentably distinguish

the claimed invention over the applied art. The claim specifically recites “a plurality of customer stations in operative connection with the SP station.” Claim 24 recites that the system has a plurality of customer stations that are connected with a single service provider station.

Applicants’ previous arguments concerning claim 19 in support of the patentability of this similar claim feature are incorporated by reference as if fully rewritten herein.

Claim 24 further recites that each customer station includes a device that is actuatable by a customer at the customer station. Claim 24 further recites that the system includes a queuing device at the service provider station. The queuing device is connected to the customer actuatable devices. Claim 24 further recites that the queuing device is operative to generate an order which includes data representative of a time sequence in which the actuatable devices at the customer stations were actuated. Claim 24 further recites that the queuing device is operative to indicate data responsive to the order that is produced.

This feature of the invention enables the service provider to know which customers first approach the respective customer stations that the service provider is responsible for servicing. The queuing device in the exemplary embodiment is operative to advise the service provider which customer station to service next, based on the customer’s time of arrival.

Nothing in Casale discloses or suggests a customer actuatable device at a customer station which a customer actuates to provide a signal to a queuing device, and which queuing device then generates order data indicative of a time sequence at which the actuating device at the plurality of customer stations were actuated. Thus, it is respectfully submitted that the claim is further allowable.

Claim 25

Claim 25 depends from claim 24 and further recites that the service provider station

includes a communication selector unit which places the service provider station in communication with selected customer stations. Claim 25 further recites that the selector unit operated by the service provider is connected to the queuing device. The queuing device operates to remove from the order data the customer station in response to the selector unit operating to place the service provider station in communication with the customer station.

As previously discussed, nothing in Casale discloses or suggests such a queuing device or communication selector unit. Further nothing in Casale discloses or suggests nor provides any reason, to include a queuing device that removes from queuing data a particular customer station as a result of communication being established with the station.

The Action alleges that the SP station (second level housing 14) “is in operative connection with a communication selector device (protestable menu and order display unit) (col.6, lines 48-57).” The Applicants disagree. There is no indication in Casale of a video and audio communication between the alleged SP station (14) and the alleged customer station (12). Applicants’ previous arguments concerning claim 12 in support of the patentability of this similar claim feature are incorporated by reference as if fully rewritten herein.

For all these reasons claim 25 as well as claims 26-27 that depend therefrom are further patentably distinguishable over the cited art. Thus, it is respectfully submitted that the claim is further allowable.

Claim 26

Claim 26 depends from claim 25 and further recites features that patentably distinguish the claimed invention over the applied art. The claim recites that the customer actuatable device at the customer stations is a customer presence sensor. Claim 26 further recites that the queuing device operates to defer placing data representative of a customer at the station in the queuing

order while that customer station and the service provider station are in video and audio communication. There is absolutely nothing like this in any of the cited art, and claim 26 is further allowable on this basis.

The Action alleges that the customer station (12) “comprises sensor (camera) to sense a person adjacent the customer station (col. 6, lines 33-36).” The Applicants disagree. The Action has already alleged that Casale’s camera constituted the recited SP CCTV camera. Hence, the alleged camera cannot constitute both the recited “SP CCTV camera” and the recited “sensor.” Thus, it is respectfully submitted that the claim is further allowable.

Claim 27

Claim 27 depends from claim 26 and further recites features that patentably distinguish the claimed invention over the applied art. The claim further recites that the queuing device is operative to place data representative of a customer station in the queuing order again after the presence sensor ceases to sense the customer adjacent to the customer station (after the customer station and service provider station are in communication) and thereafter again senses a customer. In other words, the feature of the exemplary embodiment of the invention is that the queuing device indicates that another customer is positioned adjacent to the customer station and the customer station should be put in the queuing order. This is done responsive to the fact that the customer station and the service provider have been in communication, and then the sensor ceases to sense that customer adjacent to the customer station. This feature avoids putting customer stations in the queuing order by sensing the presence of a customer who remains adjacent to the customer station to organize their papers after a transaction. As nothing in Casale discloses or suggests anything of this type, it is respectfully submitted that claim 27 is further patentably distinguishable over the cited art. Thus, it is respectfully submitted that the claim is

further allowable.

Claim 37

Claim 37 depends from claim 28 and further recites that the transaction component is either a visual display, a customer CCTV camera, a customer audio transmitting device, a customer audio receiving device or a customer carrier device. As previously discussed in relation to claim 28, nothing in Casale discloses or suggests positioning a transaction component in supporting connection with a frame in an interior building wall opening. Additionally, nothing in Casale discloses or suggests positioning any of the specific transaction components recited in claim 37. Therefore, it is respectfully submitted that claim 37 is further allowable on this basis.

Claim 39

Claim 39 depends from claim 38 and further recites features that patentably distinguish the claimed invention over the applied art. The claim specifically recites that “a plurality of customer pneumatic tube carrier delivery and receiving devices are positioned within the interior area of the building.”

The Action alleges that Casale discloses an SP delivery and receiving device (conveyor 90). Casale does not disclose a customer pneumatic tube carrier delivery and receiving device in the manner recited. Furthermore, even if it were somehow possible for the alleged conveyor 90 to constitute the recited customer pneumatic tube carrier delivery and receiving device, there is no indication that Casale discloses plural customer pneumatic tube carrier delivery and receiving devices in the manner recited. In Casale the pizza is placed on the “conveyor (90), which transports it to the lower level (12) via off loading” ramps (96, 97, and 97’)” (col. 6, lines 61-68). There is no indication that Casale discloses plural conveyors (90). Therefore, Casale does not

disclose “plural” customer pneumatic tube carrier delivery and receiving devices in the manner recited. Thus, it is respectfully submitted that the claim is further allowable.

Claim 40

Claim 40 depends from claim 39 and further recites features that patentably distinguish the claimed invention over the applied art. The claim specifically recites that “a plurality of customer stations are positioned within the interior area of the building” and that each customer station includes the recited components. Casale does not disclose “a plurality of customer stations” in the manner recited. Thus, it is respectfully submitted that the claim is further allowable.

Claim 42

Claim 42 depends from claim 41 and further recites features that patentably distinguish the claimed invention over the applied art. The claim specifically recites “a plurality of customer stations” and that “each customer station includes a frame in supporting connection with an interior wall of the building.” The claim further recites that each customer station includes a component in supporting connection with a frame. Casale does not disclose “a plurality of customer stations” having the features and relationships recited. Thus, it is respectfully submitted that the claim is further allowable.

**The Features Recited in Applicants’ Claims
Patentably Distinguish Over McClure**

In the Action, claims 1-11, 14-24, 28-39, and 41-46 were rejected under 35 U.S.C. § 102(b) as being anticipated by McClure. The Action however does not provide Applicants with the benefit of a claim-by-claim analysis and the basis for the assertions made. Rather the Action

presents a single sentence rejection for 40 different claims. For this reason Applicants are unable to fully address the Action and speculation is required as to where the Patent Office asserts that the features of the claimed invention are found in the McClure reference. Furthermore, since the Applicants have not been given an opportunity to address a claim-by-claim analysis, but were required to speculate, it is respectfully requested that any subsequent rejection be made non-final.

These rejections are respectfully traversed. Applicants traverse these rejections on the grounds that the McClure reference does not contain all the elements of the claimed invention arranged in the manner recited in the claims. The features recited in Applicants' claims patentably distinguish over the McClure reference.

Claim 1

Claim 1 is an independent claim which is specifically directed to a transaction system. The claim specifically recites that the "the SP station and the customer station are positioned inside of the building." McClure does not disclose the alleged customer station (10) is positioned inside of a building. McClure further does not disclose having an SP station and a customer station in the same building.

McClure is specifically directed to "the servicing of bank customers at a customer service-facility outside the bank" (col. 1, lines 14-22). McClure further states that "General features of this invention comprise an exterior or customer station 10" and "an interior or bank station 18 desirably located within the bank" (col. 3, lines 31-36). McClure further indicates use of a "parking lot television scanner 100 by which an operator or teller on duty can become aware of a busy period" (col. 6, lines 26-35). McClure further indicates use of a "scanning television camera mounted remote from the operator station for scanning the approach to a patron station" (claim 12) and "said patron station includes means for conditioning the air temperature therein

for the better operation of the television means at said patron station” (claim 13). Clearly, the customer or patron station (10) is located on the outside of a building. The patron and the teller are not both located within an interior of a common building. Therefore, McClure does not disclose that “the SP station and the customer station are positioned inside of the building” as recited in Applicants’ claim 1.

McClure does not disclose each and every element of the claimed invention arranged in the manner recited in the claims, as is required to sustain the rejection. Hence, Applicants’ claim patentably distinguishes over the McClure reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 102(b) rejection has been overcome. It follows that the claims which depend from this claim are likewise allowable.

Claim 28

Claim 28 is an independent claim which recites exemplary features of Applicants’ transaction system. The claimed invention relates to a transaction system including a customer station. The customer station is produced by a particular method. The method includes the steps of producing an opening in an interior building wall, and positioning a frame in the opening in supporting connection with the wall. The method further includes positioning a transaction component in supporting connection with the frame. The method further includes mounting a cover, having a component opening, in supporting connection with the wall in overlying relation of the wall opening. A useful aspect of an exemplary embodiment of the invention is that the customer station can be installed in an interior wall of a building. The construction provides a customer station that occupies minimal floor space and which may be easy to install and service.

The Action (from numbered paragraph 7) alleges that McClure teaches a customer station (10), a service station (18), a cover (36) mounted on the frame to enable access to the opening

(26') (col. 4, lines 24-34), and a door frame with a door (36) connected.

However, there is no indication that McClure includes "an interior building wall including a wall opening therethrough" as recited in the claim.

McClure is specifically directed to "the servicing of bank customers at a customer service-facility outside the bank" (col. 1, lines 14-22). McClure further states that "General features of this invention comprise an exterior or customer station 10" and "an interior or bank station 18 desirably located within the bank" (col. 3, lines 31-36). McClure further indicates use of a "parking lot television scanner 100 by which an operator or teller on duty can become aware of a busy period" (col. 6, lines 26-35). McClure further indicates use of a "scanning television camera mounted remote from the operator station for scanning the approach to a patron station" (claim 12) and "said patron station includes means for conditioning the air temperature therein for the better operation of the television means at said patron station" (claim 13). Clearly, the customer or patron station (10) is located on the outside of a bank building. It follows that McClure does not disclose "positioning a frame" in an opening in an interior wall in the manner recited and claimed by Applicants.

Claim 28 further recites "mounting a cover" having a "component opening" wherein the "transaction component is accessible through the component opening." McClure does not disclose a cover having an opening in the manner recited. Nor does McClure disclose that a transaction component is accessible when the cover is in overlying relation of a wall opening. The asserted cover (36) of McClure does not include a component opening in the manner recited.

McClure does not disclose each and every element of the claimed invention arranged in the manner recited in the claims, as is required to sustain the rejection. Hence, Applicants' claim patentably distinguishes over the McClure reference. Therefore, it is respectfully submitted that

the 35 U.S.C. § 102(b) rejection has been overcome. It follows that the claims which depend from this claim are likewise allowable.

Claim 38

Claim 38 is an independent claim which is specifically directed to a system. The claim specifically recites that an “SP station is housed in the interior area” of a building and a customer station “component” “is positioned within the interior area” of the same building.

McClure is specifically directed to “the servicing of bank customers at a customer service-facility outside the bank” (col. 1, lines 14-22). McClure further states that “General features of this invention comprise an exterior or customer station 10” and “an interior or bank station 18 desirably located within the bank” (col. 3, lines 31-36). McClure further indicates use of a “parking lot television scanner 100 by which an operator or teller on duty can become aware of a busy period” (col. 6, lines 26-35). McClure further indicates use of a “scanning television camera mounted remote from the operator station for scanning the approach to a patron station” (claim 12) and “said patron station includes means for conditioning the air temperature therein for the better operation of the television means at said patron station” (claim 13). Clearly, the customer or patron station (10) is located on the outside of a bank building. It follows that McClure does not disclose a customer station “component” “positioned within the interior area” of the same building as an SP station as is specifically claimed by Applicants.

McClure does not disclose a system with two-way video and two-way audio and pneumatic tube carrier communication between a customer and a service provider both housed in the interior area of a building in the manner recited. Nothing in the cited art discloses having a customer component positioned within the interior area of the same building as the service provider station. Such construction is totally contrary to prior uses of a customer station

component and a service provider station.

McClure does not disclose each and every element of the claimed invention arranged in the manner recited in the claims, as is required to sustain the rejection. Hence, Applicants' claim patentably distinguishes over the McClure reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 102(b) rejection has been overcome. It follows that the claims which depend from this claim are likewise allowable.

Claim 41

Claim 41 is an independent claim which is specifically directed to a system. The claim specifically recites a building comprising "an interior area which includes an interior wall extending therein." The claim further recites that a customer station "component is in supporting connection with the frame" wherein the frame extends in an opening of the interior wall.

The Action (from numbered paragraph 7) alleges that McClure teaches a customer station (10) and a door frame with a door (36) connected.

McClure is specifically directed to "the servicing of bank customers at a customer service-facility outside the bank" (col. 1, lines 14-22). McClure further states that "General features of this invention comprise an exterior or customer station 10" and "an interior or bank station 18 desirably located within the bank" (col. 3, lines 31-36). McClure further indicates use of a "parking lot television scanner 100 by which an operator or teller on duty can become aware of a busy period" (col. 6, lines 26-35). McClure further indicates use of a "scanning television camera mounted remote from the operator station for scanning the approach to a patron station" (claim 12) and "said patron station includes means for conditioning the air temperature therein for the better operation of the television means at said patron station" (claim 13). Clearly, the customer or patron station (10) is located on the outside of a building. It follows that McClure

does not disclose a customer station “component” positioned within the “interior area” of a building.

There is no indication in McClure of a customer station frame extending in an opening of an interior wall of a building. Where does McClure disclose a customer station component positioned in supporting connection with any alleged frame? McClure does not disclose that a customer station “component is in supporting connection with the frame” in the manner recited.

McClure does not disclose each and every element of the claimed invention arranged in the manner recited in the claims, as is required to sustain the rejection. Hence, Applicants’ claim patentably distinguishes over the McClure reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 102(b) rejection has been overcome. It follows that the claims which depend from this claim are likewise allowable.

Claim 43

Claim 43 is an independent claim which is specifically directed to a system. The claim specifically recites that a “cover includes at least one opening” wherein a customer station “component is manually accessible through the at least one opening.”

McClure does not disclose a system having a customer station component enabled to be operated by a customer through an opening in a cover movably mounted with a building wall, and the component is accessible for servicing when the cover is disposed.

The Action (from numbered paragraph 7) alleges that McClure teaches a customer station (10) and a cover (36) mounted on the frame to enable access to the opening (26’) (col. 4, lines 24-34).

There is no indication in McClure of a customer station “cover” having at least one opening or that a customer station “component is manually accessible through the at least one

opening.” Where does McClure disclose a customer station cover having at least one opening? The alleged cover (36) does not have an opening. Where does McClure disclose that a customer station “component is manually accessible through the at least one opening?” McClure does not disclose that a component is manually accessible through an opening of the alleged cover (36).

McClure does not disclose each and every element of the claimed invention arranged in the manner recited in the claims, as is required to sustain the rejection. Hence, Applicants’ claim patentably distinguishes over the McClure reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 102(b) rejection has been overcome. It follows that the claims which depend from this claim are likewise allowable.

Claim 45

Claim 45 is an independent claim which is specifically directed to a system. The claim specifically recites a building comprising “an interior area which includes an interior wall extending therein.” The claim further recites “positioning a frame in the opening” of an interior wall. The claim further recites “positioning” a customer station “component in supporting connection with the frame” wherein the frame extends in an opening of the interior wall.

The Action (from numbered paragraph 7) alleges that McClure teaches a customer station (10) and a door frame with a door (36) connected.

McClure is specifically directed to “the servicing of bank customers at a customer service-facility outside the bank” (col. 1, lines 14-22). McClure further states that “General features of this invention comprise an exterior or customer station 10” and “an interior or bank station 18 desirably located within the bank” (col. 3, lines 31-36). McClure further indicates use of a “parking lot television scanner 100 by which an operator or teller on duty can become aware of a busy period” (col. 6, lines 26-35). McClure further indicates use of a “scanning television

camera mounted remote from the operator station for scanning the approach to a patron station” (claim 12) and “said patron station includes means for conditioning the air temperature therein for the better operation of the television means at said patron station” (claim 13). Clearly, the customer or patron station (10) of McClure is located outside of a building. It follows that McClure does not disclose a customer station “component” positioned within the “interior area” of a building.

There is no indication in McClure of positioning a customer station frame in an opening of an interior wall of a building. Nor does McClure disclose a customer station component positioned in supporting connection with a frame in the manner recited.

McClure does not disclose each and every element of the claimed invention arranged in the manner recited in the claims, as is required to sustain the rejection. Hence, Applicants’ claim patentably distinguishes over the McClure reference. Therefore, it is respectfully submitted that the 35 U.S.C. § 102(b) rejection has been overcome. It follows that the claims which depend from this claim are likewise allowable.

**The Dependent Claims Recite Features Which Further
Patentably Distinguish Over McClure**

Claim 2

Claim 2 depends from claim 38 and further recites features that patentably distinguish the claimed invention over the applied art. The claim specifically recites that “the customer station is positioned within the interior area of the building.”

As previously discussed, the alleged customer station (10) of McClure is located outside of a building and is accessed by a customer outside of a building. McClure does not disclose a

“customer station” “positioned within the interior area of the building” in the manner recited.

Thus, it is respectfully submitted that the claim is further allowable.

Claim 3

Claim 3 depends from claim 2 and further recites features that patentably distinguish the claimed invention over the applied art. The claim specifically recites that “a plurality of customer stations are positioned within the interior area of the building.”

As previously discussed, the alleged customer station (10) of McClure is located outside of a building and is accessed by a customer outside of a building. It follows that McClure does not disclose a “a plurality of customer stations” “positioned within the interior area of the building” in the manner recited. Thus, it is respectfully submitted that the claim is further allowable.

Claim 4

Claim 4 depends from claim 38 and further recites features that patentably distinguish the claimed invention over the applied art. Claim 4 further recites that at least one of the components of the customer station is in supporting connection with the frame.

There is no indication in McClure of positioning a customer station frame in an opening of an interior wall of a building. Nor does McClure disclose a customer station component positioned in supporting connection with a frame in the manner recited. Thus, it is respectfully submitted that the claim is further allowable.

Claim 5

Claim 5 depends from claim 4 and further recites features that patentably distinguish the claimed invention over the applied art. Claim 5 recites a movable cover which is movably mounted on the frame which supports components of the customer station of the invention in an

opening. This cover is enabled to be moved to enable access to the opening and the components of the station. McClure does not disclose such a cover or the relationships recited. Thus, it is respectfully submitted that the claim is further allowable.

Claim 6

Claim 6 depends from claim 38 and further recites that the customer station includes a cover that is supported by the wall, and is movable between a first position and a second position. Claim 6 further recites that in the first position in which the cover is closed, the cover overlies at least one of the customer visual display, camera, or carrier device. It is further recited that the cover includes at least one opening such that in the closed position of the cover, the component which the cover overlies is manually accessible by a customer so that it is enabled to be operated by the customer. It is further recited in claim 6 that in the second position the cover is disposed from the component rendering the component accessible for servicing.

All of these features recited in claim 6 are not disclosed in McClure. Additionally, the alleged cover (36) of McClure does not have an opening. Thus, it is respectfully submitted that the claim is further allowable.

Claim 7

Claim 7 depends from claim 4 and further recites that the frame which supports at least one of the visual display, camera, audio transmitting device, audio receiving device or pneumatic carrier device of the customer station is a door frame. Nothing in the cited art discloses or suggests this.

As explained in the specification, a useful aspect of an exemplary embodiment of the present invention is that the customer station is built to include a door frame. A door may be mounted in the frame until such time as it is desired to turn the space into a customer station.

When this is done the door may be removed and the door frame may be used as the mounting for the components of the customer station. Nothing in McClure discloses anything like this.

McClure does not disclose a customer station “door frame” in the manner recited. Thus, it is respectfully submitted that the claim is further allowable.

Claim 8

Claim 8 depends from claim 7 and recites that the customer station further includes a hinge operatively connected to the door frame. Claim 8 further recites that the cover is movably mounted relative to the frame through the hinge. Nothing in McClure discloses or suggests this.

McClure does not disclose a customer station “hinge” in the manner recited. Thus, it is respectfully submitted that the claim is further allowable.

Claim 9

Claim 9 depends from claim 4 and further recites features that patentably distinguish the claimed invention over the applied art. The claim recites that a frame bounds the opening in the wall. Claim 9 further recites a subframe in supporting connection with the frame, and that the subframe extends in the opening. Claim 9 further recites that at least one of the display, camera or carrier device of the customer station is in supporting connection with a subframe.

The Action (from numbered paragraph 7) alleges that a subframe is inherent in McClure. However, the Action fails to cite any element of McClure which corresponds to the recited “subframe.” In point of fact McClure does not disclose a customer station “subframe” as recited. Nor does McClure disclose that a “frame” bounds an opening. Thus, it is respectfully submitted that the claim is further allowable.

Claim 10

Claim 10 depends from claim 6 and further recites features that patentably distinguish the

claimed invention over the applied art. The claim recites that the cover included in the customer station includes a generally horizontally extending shelf which enables a customer to conduct writing or other activities. Nothing in McClure discloses or suggests this.

The Action (from numbered paragraph 7) alleges that a cover (36) includes a generally horizontally extending shelf (col. 4, lines 31-33). The Applicants disagree. McClure at col. 4, lines 28-31 states that the door (36) carries a capsule receiver box (38) which is of a size to accommodate a hollow cartridge or capsule (40). The alleged cover (36), with the interfering box (38) and capsule (40), does not include a generally horizontally extending shelf enabling a customer to conduct writing. McClure does not disclose or suggest a customer station “cover” having the features and relationships recited. Thus, it is respectfully submitted that the claim is further allowable.

Claim 11

Claim 11 depends from claim 6 and further recites features that patentably distinguish the claimed invention over the applied art. The claim specifically recites that the cover includes a “storage location”, wherein articles are enabled to be stored in the storage location. This refers to the storage locations in the exemplary embodiment of the cover that may be used for holding items such as deposit slips, betting slips, or other items. Nothing in McClure discloses or suggests this.

Nothing in McClure discloses or suggests a cover overlying a display, camera, or carrier device of a customer station, and which cover is movable to provide access for servicing in the manner recited. Likewise nothing in McClure discloses or suggests such a construction with a cover that includes storage locations for holding articles for the convenience of the customers in the manner recited. For these reasons it is respectfully submitted that claim 11 is further

patentably distinguishable over the cited art.

McClure does not disclose a customer station “storage location” in the manner recited. Thus, it is respectfully submitted that the claim is further allowable.

Claim 14

Claim 14 depends from claim 38 and further recites a video switching device in operative connection with a service provider station. Claim 14 further recites that the video switching device is operative to selectively establish video connections between the camera at the service provider station and the customer video display on the customer station. Nothing in McClure discloses or suggests this.

McClure does not disclose or suggest a “video switching device” in the manner recited. Thus, it is respectfully submitted that the claim is further allowable.

Claim 15

Claim 15 depends from claim 14 and further recites that the system of the exemplary embodiment includes a video material presenting device. The recited video material presenting device is operative to generate video signals. For example in the exemplary embodiment the video material presenting device provides advertising or promotional materials. Claim 15 further recites that the video switching device is in operative connection with the video presenting device (as well as with the camera at the service provider station by virtue of the features recited in claim 14). Claim 15 further provides that the video switching device is operative to selectively connect the video material presenting device to the visual display at the customer stations. This enables the video switching device to present at the customer station, either the advertising or promotional output from the video material presenting device or the image of the service provider, responsive to the control of the video switching device by the service provider.

Nothing in any of the cited art discloses or suggests this.

McClure does not disclose a “video material presenting device” in the manner recited.

Claim 15 is further allowable for this reason.

Claim 15 is further patentably distinguishable over the cited art because McClure does not include a system with a separate video material presentation device connected to a video switching device to select a customer video display, and in which a switching device may be used by a service provider to either cause the image of the service provider or the output material from the video presentation device to be presented on a display of a customer station. For these reasons claim 15 as well as claims 16-17 which depend therefrom are further patentably distinguishable over the cited art.

Claim 16

Claim 16 depends from claim 15 and further recites that the video switching device is operative to selectively connect the customer visual display to either the video material presenting device or the camera at the service provider station. As previously discussed in connection with claim 15, nothing in the McClure reference has this capability. Therefore, it is respectfully submitted that claim 16 is further allowable on this basis.

Claim 17

Claim 17 depends from claim 16 and recites features that further patentably distinguish the claimed invention over the applied art. The Action admits in numbered paragraph 8 that the combination of Casale and McClure fails to disclose the recited features of claim 17. Therefore, McClure alone does not anticipate claim 17. McClure does not disclose a computer in the manner recited. Therefore, it is respectfully submitted that claim 17 is further allowable.

Claim 18

Claim 18 depends from claim 2 and further recites features that patentably distinguish the claimed invention over the applied art. The claim specifically recites that “the SP station is housed in the secure room” and “the customer station is disposed outside of the secure room.”

As previously discussed, the alleged customer station (10) of McClure is located outside of a building and is accessed by a customer located outside of a building. McClure does not disclose a “customer station” “positioned within the interior area of the building” in the manner recited in claim 2. It follows that McClure does not disclose the recited “secure room” and “outside of the secure room” relationship recited in claim 18. Thus, it is respectfully submitted that the claim is further allowable.

Claim 19

Claim 19 depends from claim 18 and further recites features that patentably distinguish the claimed invention over the applied art. Claim 19 recites that the system includes a number of customer stations. Claim 19 further recites that all of these customer stations are in the building in which the secure room occupied by the service providers is also located. McClure does not disclose a “plurality of customer stations” in the manner recited. Thus, it is respectfully submitted that the claim is further allowable for these reasons.

Claim 20

Claim 20 depends from claim 38 and recites that the customer station is produced by a particular method. The method includes the steps of producing an opening in the wall, and positioning a frame in the opening in supporting connection with the wall. The method further includes positioning at least one of the display, camera, audio transmitting device, audio receiving device, or pneumatic carrier device of the customer station in supporting connection

with the frame. Nothing in McClure discloses or suggests this. It is therefore respectfully submitted that claim 20 as well as claims 21-23 that depend therefrom are further patentably distinguishable over the cited art.

Claim 21

Claim 21 depends from claim 20 and further recites that the customer station includes a cover. Claim 21 further recites that the method of producing a customer station includes the step of movably mounting the cover in supporting connection with the wall such that the cover is movable between a first position overlying the opening and a second position in which the cover is disposed from the opening.

As is the case with claim 20, nothing in McClure discloses or suggests this. It is therefore respectfully submitted that claim 21 as well as claims 22-23 that depend therefrom, are further allowable for this reason.

Claim 22

Claim 22 depends from claim 21. Claim 22 further recites that the step of movably mounting the cover to the frame includes operatively connecting the cover to the frame through a hinge. Nothing in McClure discloses or suggests such a method step, and claim 22 is further patentably distinguishable on this basis.

Claim 23

Claim 23 also depends from claim 21. Claim 23 further recites that in the first position of a cover in which the cover closes the opening, the cover is in abutting relation with the wall and generally extends in surrounding relation of the frame. Again nothing in McClure discloses or suggests this and claim 23 is further patentably distinguishable on this basis.

Claim 24

Claim 24 depends from claim 38 and further recites that the system has a plurality of customer stations that are connected with a single service provider station. Claim 24 further recites that each customer station includes a device that is actuatable by a customer at the customer station. Claim 24 further recites that the system includes a queuing device at the service provider station. The queuing device is connected to the customer actuatable devices. Claim 24 further recites that the queuing device is operative to generate an order which includes data representative of a time sequence in which the actuatable devices at the customer stations were actuated. Claim 24 further recites that the queuing device is operative to indicate data responsive to the order that is produced.

This feature of the invention enables the service provider to know which customers first approach the respective customer stations that the service provider is responsible for servicing. The queuing device in the exemplary embodiment is operative to advise the service provider which customer station to service next, based on the customer's time of arrival.

Nothing in McClure discloses or suggests the features recited in claim 24. Nothing in McClure discloses or suggests a customer actuatable device at a customer station which a customer actuates to provide a signal to a queuing device, and which queuing device then generates order data indicative of a time sequence at which the actuating device at the plurality of customer stations were actuated. As nothing in McClure discloses or suggests these features, claim 24 as well as claims 25-27 which depend therefrom are further patentably distinguishable on this basis.

Claim 29

Claim 29 depends from claim 28. In claim 28 the customer station is produced by a

particular method. The method includes producing an opening in an interior building wall, and positioning a frame in the opening in supporting connection with the wall. The method further includes positioning a transaction component in supporting connection with the frame. The method further includes mounting a cover, having a component opening, in supporting connection with the wall in overlying relation of the wall opening. Claim 29 further recites releasibly mounting the cover in supporting connection with the wall. Nothing in McClure discloses or suggests this.

* *Claim 28* McClure does not disclose positioning a transaction component in supporting connection with the frame in an interior building wall opening, as is recited in claim 28. Nothing in McClure discloses or suggests the recited steps of claim 28. Hence, the claims which depend from claim 28 are further allowable on this basis. As nothing in McClure discloses or suggests these features, claim 29 is further patentably distinguishable.

Claim 30

Claim 30 depends from claim 28. In claim 28 the customer station is produced by a particular method. The method includes producing an opening in an interior building wall, and positioning a frame in the opening in supporting connection with the wall. The method further includes positioning a transaction component in supporting connection with the frame. The method further includes mounting a cover, having a component opening, in supporting connection with the wall in overlying relation of the wall opening. Claim 30 further recites movably mounting the cover in connection with the wall through a hinge connection.

McClure does not disclose positioning a transaction component in supporting connection with the frame in an interior building wall opening, as is recited in claim 28. Nothing in McClure discloses or suggests this. As nothing in McClure discloses or suggests these features,

claim 30 is further patentably distinguishable..

Claim 31

Claim 31 depends from claim 30 and further recites the step of releasibly locking the cover in the first position. As previously discussed in connection with claim 30, nothing in McClure discloses or suggests positioning a frame in a wall opening of an interior building wall and positioning a transaction component in supporting connection with the frame. Additionally, nothing in McClure discloses or suggests releasibly locking the cover as recited in claim 31. Therefore, it is respectfully submitted that claim 31 is further allowable on this basis.

Claim 32

Claim 32 depends from claim 31 and further recites that the cover in the first position extends in generally abutting relation with the wall and in surrounding relation of the frame. As previously discussed in connection with claim 31, nothing in McClure discloses or suggests positioning a frame in a wall opening of an interior building wall and positioning a transaction component in supporting connection with the frame. Additionally, nothing in McClure discloses or suggests that a cover, when in the first position, extends in generally abutting relation with the wall and in surrounding relation of the frame, as recited in claim 32. Therefore, it is respectfully submitted that claim 32 is further allowable on this basis.

Claim 33

Claim 33 depends from claim 28 and further recites framing the opening with an opening bounding frame, and positioning the transaction component in connection with the bounding frame. As previously discussed in connection with claim 28, nothing in McClure discloses or suggests positioning a frame in a wall opening of an interior building wall and positioning a transaction component in supporting connection with the frame. Additionally, nothing in

McClure discloses or suggests framing the opening with an opening bounding frame, and positioning the transaction component in connection with the bounding frame, as recited in claim 33. Therefore, it is respectfully submitted that claim 33 is further allowable on this basis.

Claim 34

Claim 34 depends from claim 33 and further recites supporting a subframe in supporting connection with the bounding frame, and positioning the transaction component in supporting connection with the subframe. As previously discussed in connection with claim 33, nothing in McClure discloses or suggests positioning a frame in a wall opening of an interior building wall and positioning a transaction component in supporting connection with the frame. Additionally, nothing in McClure discloses or suggests supporting a subframe in supporting connection with the bounding frame, and positioning the transaction component in supporting connection with the subframe, as recited in claim 34. Therefore, it is respectfully submitted that claim 34 is further allowable on this basis.

Claim 35

Claim 35 depends from claim 33 and further recites that the bounding frame comprises a door frame, and the opening is framed by the door frame. As previously discussed in connection with claim 33, nothing in McClure discloses or suggests positioning a frame in a wall opening of an interior building wall and positioning a transaction component in supporting connection with the frame. Additionally, nothing in McClure discloses or suggests that the bounding frame comprises a door frame, and the opening is framed by the door frame, as recited in claim 35. Therefore, it is respectfully submitted that claim 35 is further allowable on this basis.

Claim 36

Claim 36 depends from claim 35 and further recites engaging a subframe extending in the

opening between two upright portions of the door frame, and positioning the transaction component in connection with the subframe. As previously discussed in connection with claim 35, nothing in McClure discloses or suggests positioning a frame in a wall opening of an interior building wall and positioning a transaction component in supporting connection with the frame. Additionally, nothing in McClure discloses or suggests engaging a subframe extending in the opening between two upright portions of the door frame, and positioning the transaction component in connection with the subframe, as recited in claim 36. Therefore, it is respectfully submitted that claim 36 is further allowable on this basis.

Claim 37

Claim 37 depends from claim 28 and further recites that the transaction component may be either a visual display, a customer CCTV camera, a customer audio transmitting device, a customer audio receiving device, or a customer carrier device. As previously discussed in connection with claim 28, nothing in McClure discloses or suggests positioning a transaction component in supporting connection with a frame in an interior building wall opening. Additionally, nothing in McClure discloses or suggests positioning any of the specific transaction components recited in claim 37. Therefore, it is respectfully submitted that claim 37 is further allowable on this basis.

Claim 39

Claim 39 depends from claim 38 and further recites features that patentably distinguish the claimed invention over the applied art. The claim specifically recites that “a plurality of customer pneumatic tube carrier delivery and receiving devices are positioned within the interior area of the building.”

As previously discussed, the alleged customer station (10) of McClure is located outside

of a building. It follows that McClure does not disclose “plural” customer pneumatic tube carrier delivery and receiving devices positioned within the interior area of a building in the manner recited. Thus, it is respectfully submitted that the claim is further allowable.

Claim 42

Claim 42 depends from claim 41 and further recites features that patentably distinguish the claimed invention over the applied art. The claim recites “a plurality of customer stations” and that “each customer station includes a frame in supporting connection with an interior wall of the building.” The claim further recites that each customer station includes a component in supporting connection with a frame.

As previously discussed, the alleged customer station (10) of McClure is located outside of a building. McClure does not disclose a plurality of customer stations having the features recited. Thus, it is respectfully submitted that the claim is further allowable.

Claim 44

Claim 44 depends from claim 43 and further recites that the wall is an interior wall extending in an interior area of the building, and the component is positioned within the interior area in connection with the interior wall. Further, nothing in McClure discloses the advantages of having a system with a customer station component accessible through an opening in a cover movably mounted relative to an interior wall in the interior area of the building. For these reasons it is respectfully submitted that claim 44 further patentably distinguishes over the cited art. Therefore, it is respectfully submitted that claim 44 is further allowable.

Claim 46

Claim 46 depends from claim 45 and further recites producing a plurality of customer stations, wherein each customer station includes a frame in supporting connection with an

interior wall of the building. As previously discussed, the alleged customer station (10) of McClure is located outside of a building. It follows that McClure does not disclose producing a plurality of customer stations in the manner recited. Thus, it is respectfully submitted that the claim is further allowable.

The Pending Claims Are Not Obvious in View of the Applied Art

In the Action, claims 5-11, 14-16, 20-23, 29-36, and 43-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Casale in view of McClure.

The Action admits that “Casale fails to particularly disclose a cover is movably mounted on the frame and movable to enable access the opening in supporting to connect with the wall, a door frame, one hinge, a subframe, shelf, one storage location as specified in claims 5-11, 14-16, 20-23, 43, 45.”

The Action alleges that “McClure teaches a service banking equipment (figs. 1-5) having a customer station (10), the service station (18) and a pneumatic tube which carrier (51) which move the capsule (40) from the customer station to the service station. M.C. McClure further disclose the customer station having terminal which comprises a cover (36) (the door carries the capsule) mounted on the frame to enable access to the opening (26’) (col. 4, lines 24-34); a door frame (wherein the door (36) is connected to), one hinge, and a subframe are inherently in the art (fig. 1), wherein the cover includes a generally horizontal extending shelf wherein the door (36) is open in position (36’) the customer is enable to conduct writing or other activities on said shelf (col. 4, lines 31-33) and at least one storage (a hollow cartridge), and switching device in operative connection with the service station (46), wherein the service station is a secure room (the teller station (18) is inside the bank which is a secure room).”

The Action further alleges that it would have been obvious “to modify the teachings of McClure into the customer station and the service provider of Casale.”

Applicants traverse these rejections on the grounds that Applicants’ claims recite features and relationships which are neither disclosed nor suggested in the prior art, and because there is no teaching, suggestion or motivation to combine any features of the applied references so as to produce Applicants’ invention. The features recited in Applicants’ claims patentably distinguish over the applied references.

Claim 5

Claim 5 depends from claim 4 and further recites features that patentably distinguish the claimed invention over the applied art. Claim 5 recites a movable cover which is movably mounted on the frame, which frame supports components of the customer station in an opening. This cover is enabled to be moved to enable access to the opening and the components of the customer station.

The Action admits that Casale fails to particularly disclose a cover movably mounted on the frame. As previously discussed, McClure also does not disclose the cover and/or frame in the manner recited.

There is no teaching, suggestion, or motivation anywhere in the Casale reference for using a cover in the manner recited. The Action alleges that McClure discloses a cover (36). However, there is no manner as to how, nor does the Action explain any way in which McClure’s alleged cover (36) could be used in Casale’s system. Therefore, Applicants respectfully submit that it would not have been obvious to produce Applicants’ system from the teachings of Casale and McClure.

Therefore, McClure does not disclose or suggest the features and relationships that are

not found in Casale. Hence, neither Casale nor McClure alone or in combination disclose or suggest the features and relationships that are specifically recited in the claim.

As nothing in the cited art discloses nor suggests the features and relationships that are specifically recited in the claim, and because there is no teaching, suggestion or motivation cited for combining features of the cited references so as to produce Applicants' invention, it is respectfully submitted that the claim is allowable for these reasons. Therefore, it is respectfully submitted that the 35 U.S.C. § 103(a) rejection has been overcome.

Claim 6

Claim 6 depends from claim 38 and further recites that the customer station includes a cover that is supported by the wall, and is movable between a first position and a second position. Claim 6 further recites that in the first position in which the cover is closed, the cover overlies at least one of the customer visual display, camera, or carrier device. It is further recited that the cover includes at least one opening such that in the closed position of the cover, the component which the cover overlies is manually accessible by a customer so that it is enabled to be operated by the customer. It is further recited in claim 6 that in the second position the cover is disposed from the component, thereby rendering the component accessible for servicing.

The Action admits that Casale fails to particularly disclose a cover having the features and relationships recited. As previously discussed, the features recited in claim 6 are also not disclosed or suggested in McClure. The alleged cover (36) of McClure does not have an opening. Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable.

Claim 7

Claim 7 depends from claim 4 and further recites that the frame which supports at least one of the visual display, camera, audio transmitting device, audio receiving device or pneumatic carrier device of the customer station, includes a door frame. Nothing in the cited art discloses or suggests this.

As explained in the specification, a useful aspect of an exemplary embodiment of the present invention is that the customer station is built to include a door frame. A door may be mounted in the frame until such time as it is desired to turn the space into a customer station. When this is done the door may be removed and the door frame may be used as the mounting for the components of the customer station. Nothing in the cited art discloses or suggests this.

The Action admits that Casale fails to particularly disclose a door frame in the manner recited. As previously discussed, McClure also does not disclose a customer station “door frame” in the manner recited. Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable.

Claim 8

Claim 8 depends from claim 7 and recites that the customer station further includes a hinge operatively connected to the door frame. Claim 8 further recites that the cover is movably mounted relative to the frame through the hinge. Nothing in the cited art discloses or suggests this.

The Action admits that Casale fails to particularly disclose a hinge in the manner recited. As previously discussed, McClure also does not disclose a customer station “hinge” in the

manner recited. Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination, disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable.

Claim 9

Claim 9 depends from claim 4 and further recites features that patentably distinguish the claimed invention over the applied art. The claim recites that the frame bounds the opening in the wall. Claim 9 further recites a subframe in supporting connection with the frame, and that the subframe extends in the opening. Claim 9 further recites that at least one of the display, camera or carrier device of the customer station is in supporting connection with a subframe.

The Action admits that Casale fails to particularly disclose a subframe in the manner recited. As previously discussed, McClure also does not disclose a customer station “subframe” in the manner recited. Nor does McClure disclose that a “frame” bounds an opening. Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable.

Claim 10

Claim 10 depends from claim 6 and further recites features that patentably distinguish the claimed invention over the applied art. The claim recites that the cover of the customer station includes a generally horizontally extending shelf which enables a customer to conduct writing or other activities. Nothing in the cited art discloses or suggests this.

The Action admits that Casale fails to particularly disclose a shelf in the manner recited.

As previously discussed, McClure also does not disclose a customer station “shelf” in the manner recited. Nor does McClure disclose a customer station “cover” in the manner recited.

Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination, disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable.

Claim 11

Claim 11 depends from claim 6 and further recites features that patentably distinguish the claimed invention over the applied art. The claim specifically recites that the cover includes a “storage location”, wherein articles are enabled to be stored in the storage location. This refers to the storage locations that in the exemplary embodiment of the cover, may be used for holding items such as deposit slips, betting slips, or other items. Nothing in the cited art discloses or suggests this.

The Action admits that Casale fails to particularly disclose a storage location in the manner recited. As previously discussed, McClure also does not disclose a customer station “storage location” in the manner recited. Nor does McClure disclose a customer station “cover” in the manner recited. Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable.

Claim 14

Claim 14 depends from claim 38 and further recites a video switching device in operative connection with a service provider station. Claim 14 further recites that the video switching

device is operative to selectively establish video connections between the camera at the service provider station and the customer video display on the customer station. Neither Casale nor McClure alone or in combination disclose or suggest the recited features and relationships.

As previously discussed, McClure does not disclose a “video switching device” in the manner recited. Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable.

Claim 15

Claim 15 depends from claim 14 and further recites that the system of the exemplary embodiment includes a video material presenting device. This video material presenting device is operative to generate video signals. For example in the exemplary embodiment the video material presenting device provides advertising or promotional materials. Claim 15 further recites that the video switching device is in operative connection with the video presenting device (as well as with the camera at the service provider station by virtue of the features recited in claim 14). Claim 15 further provides that the video switching device is operative to selectively connect the video material presenting device to the visual display at the customer stations. This enables the video switching device to present at the customer station either the advertising or promotional output from the video material presenting device, or the image of the service provider, responsive to the control of the video switching device by the service provider. Neither Casale nor McClure alone or in combination disclose or suggest the recited features and relationships.

As previously discussed, McClure does not disclose a “video material presenting device”

in the manner recited. Nor does McClure disclose a system with a separate video material presentation device connected to a video switching device to select a customer video display, and in which a switching device may be used by a service provider to either cause the image of the service provider or the output material from the presenting device to be presented on a display of a customer station. Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable.

Claim 16

Claim 16 depends from claim 15 and further recites that the video switching device is operative to selectively connect the customer visual display to either the video material presenting device or the camera at the service provider station. Neither Casale nor McClure alone or in combination disclose or suggest the recited features and relationships. As previously discussed in connection with claim 15, nothing in the McClure reference provides this capability. Therefore, McClure does not disclose or suggest the recited features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable.

Claim 20

Claim 20 depends from claim 38 and recites that the customer station is produced by a particular method. The method includes producing an opening in the wall, and positioning a frame in the opening in supporting connection with the wall. The method further includes positioning at least one of the display, camera, audio transmitting device, audio receiving device,

or pneumatic carrier device of the customer station in supporting connection with the frame.

Neither Casale nor McClure alone or in combination disclose or suggest the recited features and relationships.

Furthermore, even if it were somehow possible to modify Casale so that a customer station component were positioned in supporting connection with the alleged window frame, it would be unclear how a customer could continue to use the window (22) as a pick-up window. The addition of a component to the alleged window frame would prevent use of the window in the manner described in the Casale reference. Such a modification would destroy the operability of the Casale system.

A reference teaching away from the recited invention does not support prima facie obviousness. It is improper to reconstruct the invention from the disclosure of the Applicants. An obviousness rejection cannot be based on a combination of features in references if making the combination would result in destroying the utility or advantage of the device shown in the prior art references. *In re Fine*, 5 USPQ2d 1598-99 (Fed. Cir. 1988).

As previously discussed, McClure does not disclose producing a customer station in the manner recited. McClure does not disclose a customer station “component” positioned within the “interior area” of a building. Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable.

Claim 21

Claim 21 depends from claim 20 and further recites that the customer station includes a cover. Claim 21 further recites that the method of producing a customer station includes the step

of movably mounting the cover in supporting connection with the wall such that the cover is movable between a first position overlying the opening and a second position in which the cover is disposed from the opening. Neither Casale nor McClure alone or in combination disclose or suggest the recited features and relationships. The Action admits that Casale fails to particularly disclose a cover in the manner recited.

As is the case with claim 20, nothing in McClure discloses or suggests this. Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable.

Claim 22

Claim 22 depends from claim 21. Claim 22 further recites that the step of movably mounting the cover to the frame includes operatively connecting the cover to the frame through a hinge. Neither Casale nor McClure alone or in combination disclose or suggest the recited features and relationships. The Action admits that Casale fails to particularly disclose a hinge in the manner recited.

As previously discussed, nothing in McClure discloses or suggests such a method step. Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable.

Claim 23

Claim 23 also depends from claim 21. Claim 23 further recites that in the first position of

a cover in which the cover closes the opening, the cover is in abutting relation with the wall and generally extends in surrounding relation of the frame. Neither Casale nor McClure alone or in combination disclose or suggest the recited features and relationships. The Action admits that Casale fails to particularly disclose a cover in the manner recited.

As previously discussed, nothing in McClure discloses or suggests the cover, frame or recited relationships. Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable.

Claim 29

Claim 29 depends from claim 28. In claim 28 the customer station is produced by a particular method. The method includes producing an opening in an interior building wall, and positioning a frame in the opening in supporting connection with the wall. The method further includes positioning a transaction component in supporting connection with the frame. The method further includes mounting a cover, having a component opening, in supporting connection with the wall in overlying relation of the wall opening. Claim 29 further recites releasibly mounting the cover in supporting connection with the wall. Neither Casale nor McClure alone or in combination disclose or suggest the recited features and relationships. The Action admits that Casale fails to particularly disclose a cover in the manner recited.

As previously discussed, McClure does not disclose positioning a transaction component in supporting connection with the frame in an interior building wall opening, as is recited in claim 28. McClure also does not disclose or suggests releasibly mounting the cover in supporting connection with the wall, as is recited in claim 29.

Furthermore, even if it were somehow possible to modify Casale so that a customer station component were positioned in supporting connection with the alleged window frame, it would not be possible for a customer to continue to use the window (22) as a pick-up window. The addition of a component to the alleged window frame would prevent use of the window in the manner described in the Casale reference. Such a modification would destroy the operability of the Casale system.

A reference teaching away from the recited invention does not support prima facie obviousness. It is improper to reconstruct the invention from the disclosure of the Applicants. An obviousness rejection cannot be based on a combination of features in references if making the combination would result in destroying the utility or advantage of the device shown in the prior art references. *In re Fine*, 5 USPQ2d 1598-99 (Fed. Cir. 1988).

Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable.

Claim 30

Claim 30 depends from claim 28. In claim 28 the customer station is produced by a particular method. The method includes producing an opening in an interior building wall, and positioning a frame in the opening in supporting connection with the wall. The method further includes positioning a transaction component in supporting connection with the frame. The method further includes mounting a cover, having a component opening, in supporting connection with the wall in overlying relation of the wall opening. Claim 30 further recites movably mounting the cover in connection with the wall through a hinge connection. Neither

Casale nor McClure alone or in combination disclose or suggest the recited features and relationships. The Action admits that Casale fails to disclose a hinge in the manner recited.

As previously discussed, McClure does not disclose positioning a transaction component in supporting connection with the frame in an interior building wall opening, as is recited in claim 28. McClure also does not disclose or suggest movably mounting the cover in connection with the wall through a hinge connection, as is recited in claim 30. Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable.

Claim 31

Claim 31 depends from claim 30 and further recites the step of releasibly locking the cover in the first position. Neither Casale nor McClure alone or in combination disclose or suggest the recited features and relationships. The Action admits that Casale fails to particularly disclose a cover in the manner recited.

As previously discussed in connection with claim 30, nothing in McClure discloses or suggests positioning a frame in a wall opening of an interior building wall and positioning a transaction component in supporting connection with the frame. Additionally, nothing in McClure discloses or suggests releasibly locking the cover as recited in claim 31. Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable.

Claim 32

Claim 32 depends from claim 31 and further recites that the cover in the first position extends in generally abutting relation with the wall and in surrounding relation of the frame. Neither Casale nor McClure alone or in combination disclose or suggest the recited features and relationships. The Action admits that Casale fails to particularly disclose a cover in the manner recited.

As previously discussed in connection with claim 31, nothing in McClure discloses or suggests positioning a frame in a wall opening of an interior building wall and positioning a transaction component in supporting connection with the frame. Additionally, nothing in McClure discloses or suggests that a cover, which cover when in the first position, extends in generally abutting relation with the wall and in surrounding relation of the frame, as recited in claim 32. Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination, disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable

Claim 33

Claim 33 depends from claim 28 and further recites framing the opening with an opening bounding frame, and positioning the transaction component in supporting connection with the bounding frame. Neither Casale nor McClure alone or in combination disclose or suggest the recited features and relationships. As previously discussed in connection with claim 28, nothing in McClure discloses or suggests positioning a frame in a wall opening of an interior building wall, and positioning a transaction component in supporting connection with such frame. Additionally, nothing in McClure discloses or suggests framing the opening with an opening

bounding frame, and positioning the transaction component in supporting connection with the bounding frame, as recited in claim 33. Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable

Claim 34

Claim 34 depends from claim 33 and further recites supporting a subframe in supporting connection with the bounding frame, and positioning the transaction component in supporting connection with the subframe. Neither Casale nor McClure alone or in combination disclose or suggest the recited features and relationships. The Action admits that Casale fails to particularly disclose a subframe and the relationships recited.

As previously discussed in connection with claim 33, nothing in McClure discloses or suggests positioning a frame in a wall opening of an interior building wall, and positioning a transaction component in supporting connection with the frame. Additionally, nothing in McClure discloses or suggests supporting a subframe in supporting connection with the bounding frame, and positioning the transaction component in supporting connection with the subframe, as recited in claim 34. Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that claim 34 is further allowable

Claim 35

Claim 35 depends from claim 33 and further recites that the bounding frame comprises a door frame, and the opening is framed by the door frame. Neither Casale nor McClure alone or

in combination disclose or suggest the recited features and relationships. The Action admits that Casale fails to particularly disclose a door frame in the manner recited.

As previously discussed in connection with claim 33, nothing in McClure discloses or suggests positioning a frame in a wall opening of an interior building wall and positioning a transaction component in supporting connection with the frame. Additionally, nothing in McClure discloses or suggests that the bounding frame comprises a door frame, and the opening is framed by the door frame, as recited in claim 35. Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination, disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable

Claim 36

Claim 36 depends from claim 35 and further recites engaging a subframe extending in the opening between two upright portions of the door frame, and positioning the transaction component in connection with the subframe. Neither Casale nor McClure alone or in combination disclose or suggest the recited features and relationships. The Action admits that Casale fails to particularly disclose a subframe in the manner recited.

As previously discussed in connection with claim 35, nothing in McClure discloses or suggests positioning a frame in a wall opening of an interior building wall, and positioning a transaction component in supporting connection with the frame. Additionally, nothing in McClure discloses or suggests engaging a subframe extending in the opening between two upright portions of the door frame, and positioning the transaction component in connection with the subframe, as recited in claim 36.

Furthermore, even if it were somehow possible to modify Casale so that a customer station component were positioned in supporting connection with the alleged window frame, it would be unclear how a customer could continue to use the window (22) as a pick-up window. The addition of a component to the alleged window frame would prevent use of the window in the manner described in the Casale reference. Such a modification would destroy the operability of the Casale system.

A reference teaching away from the recited invention does not support prima facie obviousness. It is improper to reconstruct the invention from the disclosure of the Applicants. An obviousness rejection cannot be based on a combination of features in references if making the combination would result in destroying the utility or advantage of the device shown in the prior art references. *In re Fine*, 5 USPQ2d 1598-99 (Fed. Cir. 1988).

Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable.

Claim 43

Claim 43 is an independent claim which is specifically directed to a system. The claim specifically recites that a “cover includes at least one opening” wherein a customer station “component is manually accessible through the at least one opening.” Neither Casale nor McClure alone or in combination disclose or suggest the recited features and relationships. The Action admits that Casale fails to particularly disclose a cover in the manner recited.

As previously discussed, McClure does not disclose a system having a customer station component enabled to be operated by a customer through an opening in a cover movably

mounted in supporting connection with a building wall, and the component is accessible for servicing when the cover is disposed.

The Action (from numbered paragraph 7) alleges that McClure teaches a customer station (10) and a cover (36) mounted on the frame to enable access to the opening (26') (col. 4, lines 24-34).

There is no indication in McClure of a customer station "cover" having at least one opening, or that a customer station "component is manually accessible through the at least one opening." Where does McClure disclose a customer station cover having at least one opening? The alleged cover (36) does not have an opening. Where does McClure disclose that a customer station "component is manually accessible through the at least one opening?" McClure does not disclose that a component is manually accessible through an opening of the alleged cover (36).

Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination disclose or suggest the features and relationships that are specifically recited in the claim.

As nothing in the cited art discloses nor suggests the features and relationships that are specifically recited in the claim, and because there is no teaching, suggestion or motivation cited for combining features of the cited references so as to produce Applicants' invention, it is respectfully submitted that the claim is allowable for these reasons. Therefore, it is respectfully submitted that the 35 U.S.C. § 103(a) rejection has been overcome.

Claim 44

Claim 44 depends from claim 43 and further recites that the wall is an interior wall extending in an interior area of the building, and the component is positioned within the interior area in connection with the interior wall. Neither Casale nor McClure alone or in combination,

disclose or suggest the recited features and relationships. The Action admits that Casale fails to particularly disclose a cover in the manner recited.

Further, nothing in McClure discloses the advantages of having a system with a customer station component accessible through an opening in a cover movably mounted in supporting connection with an interior wall in the interior area of the building. Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination, disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable.

Claim 45

Claim 45 is an independent claim which is specifically directed to a system. The claim specifically recites a building comprising “an interior area which includes an interior wall extending therein.” The claim further recites “positioning a frame in the opening” of a interior wall. The claim further recites “positioning” a customer station “component in supporting connection with the frame” wherein the frame extends in an opening of the interior wall. Neither Casale nor McClure alone or in combination disclose or suggest the recited features and relationships. As previously discussed, Casale does not disclose a customer component in supporting connection with a frame.

The Action alleges that Casale discloses a customer station (base housing 12) comprising “a frame (the drive in window inherently has a frame and an opening for the customer pick up food or product) and an opening (22 of fig. 1).”

Applicants respectfully disagree. Furthermore, even if it were possible for the drive in window to inherently have a frame, there is no indication in Casale that a customer station

component “is in supporting connection with the frame.” Where does Casale disclose a customer station component positioned in supporting connection with the alleged window frame? Casale does not disclose a customer station component in supporting connection with the frame in the manner recited.

Furthermore, even if it were somehow possible to modify Casale so that a customer station component were positioned in supporting connection with the alleged window frame, it would be unclear how a customer could continue to use the window (22) as a pick-up window. The addition of a component to the alleged window frame would prevent use of the window in the manner described in the Casale reference. Such a modification would destroy the operability of the Casale system.

A reference teaching away from the recited invention does not support prima facie obviousness. It is improper to reconstruct the invention from the disclosure of the Applicants. An obviousness rejection cannot be based on a combination of features in references if making the combination would result in destroying the utility or advantage of the device shown in the prior art references. *In re Fine*, 5 USPQ2d 1598-99 (Fed. Cir. 1988).

The Action (from numbered paragraph 7) alleges that McClure teaches a customer station (10) and a door frame with a door (36) connected.

As previously discussed, McClure is specifically directed to “the servicing of bank customers at a customer service-facility outside the bank” (col. 1, lines 14-22). McClure further states that “General features of this invention comprise an exterior or customer station 10” and “an interior or bank station 18 desirably located within the bank” (col. 3, lines 31-36). McClure further indicates use of a “parking lot television scanner 100 by which an operator or teller on duty can become aware of a busy period” (col. 6, lines 26-35). McClure further indicates use of

a “scanning television camera mounted remote from the operator station for scanning the approach to a patron station” (claim 12) and “said patron station includes means for conditioning the air temperature therein for the better operation of the television means at said patron station” (claim 13). Clearly, the customer or patron station (10) is located outside of a building. It follows that McClure does not disclose a customer station “component” positioned within the “interior area” of a building.

There is no indication in McClure of positioning a customer station frame in an opening of an interior wall of a building. Nor does McClure disclose a customer station component positioned in supporting connection with a frame in the manner recited.

Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination disclose or suggest the features and relationships that are specifically recited in the claim.

As nothing in the cited art discloses nor suggests the features and relationships that are specifically recited in the claim, and because there is no teaching, suggestion or motivation cited for combining features of the cited references so as to produce Applicants’ invention, it is respectfully submitted that the claim is allowable for these reasons. Therefore, it is respectfully submitted that the 35 U.S.C. § 103(a) rejection has been overcome.

Claim 46

Claim 46 depends from claim 45 and further recites producing a plurality of customer stations, wherein each customer station includes a frame in supporting connection with an interior wall of the building. As previously discussed, Casale does not disclose a customer component in supporting connection with a frame. As previously discussed, the alleged customer station (10) of McClure is located outside of a building. It follows that McClure does

not disclose producing a plurality of customer stations in the manner recited. Therefore, McClure does not disclose or suggest the features and relationships that are not found in Casale. Hence, neither Casale nor McClure alone or in combination disclose or suggest the features and relationships that are specifically recited in the claim. Thus, it is respectfully submitted that the claim is further allowable.

The Pending Claims Are Not Obvious in View of the Applied Art

In the Action, claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Casale in view of McClure and further in view of Kaehler.

The Action admits that “the combination of Casale and McClure fails to particularly disclose a computer for storing data base at the service station.”

The Action alleges that “the used of the computer for storing data base at the service station is well known in the art as taught by Keahler (26 of fig. 1).”

The Action further alleges that it would have been obvious to “modify the computer (26) to the service station for storing data base for later review.”

Applicants traverse these rejections on the grounds that Applicants’ claims recite features which are neither disclosed nor suggested in the prior art, and because there is no teaching, suggestion or motivation to combine any features of the applied references so as to produce Applicants’ invention. The features recited in Applicants’ claims patentably distinguish over the applied references.

Additionally, it should be understood that the computer may be located adjacent the SP station, or it may be remotely located. Hence, the recited computer is not limited to “storing data base at the service station” as alleged in the Action.

Claim 17

Claim 17 depends from claim 16 and further recites that the video material presenting device comprises a computer. The claim further recites that the computer is in operative connection with a data store including data representative of video material. The claim further recites that the computer is in operative connection with a data transmission line, and that the video material is changeable through the data transmission line.

The Action admits that the combination of Casale and McClure fails to disclose the recited features of claim 17. Kaehler does not disclose or suggest a computer in the manner recited. Claim 15 recites that a video switching device is in operative connection with the video presenting device. Hence, the computer is in operative connection with the video switching device. Kaehler does not disclose or suggest a computer in operative connection with a video switching device. The alleged computer (26) of Kaehler is a data entry terminal.

Therefore, Kaehler does not disclose or suggest the features and relationships that are not found in the combination of Casale and McClure. Neither Casale, McClure, nor Kaehler alone or in combination disclose or suggest the recited features and relationships. Thus, it is respectfully submitted that the claim is further allowable.

The New Claim Patentably Distinguishes Over The Cited Art

Claim 47

Claim 47 is an independent claim which is specifically directed to a transaction system. The claim specifically recites that the “customer communication device is in operative connection with the SP communication device.” The claim further recites that the “delivery

device is selectively movable to deliver a deposited transaction item from either of the SP or customer stations to the other respective SP or customer station.” The claim further recites that the SP station and the customer station are positioned inside of the building.”

The Action alleges that Casale discloses an SP station (second level housing 14) and a customer station (base housing 12). However, there is no indication in Casale that the alleged customer station (12) is in communication with the alleged SP station (14). Therefore, Casale does not disclose the recited “customer communication device is in operative connection with the SP communication device.”

Additionally, Casale does not disclose that a “delivery device is selectively movable to deliver a deposited transaction item from either of the SP or customer stations to the other respective SP or customer station.” There is no indication in Casale that the alleged customer station (12) is capable of delivering a transaction item to the alleged SP station (14). Nor is there any indication in Casale that the alleged SP station (14) is capable of receiving a delivered transaction item from the alleged customer station (12). In Casale, the tray (108) appears to remain in its ejected state during initial upward travel until reaching the strip (114). Therefore, the tray (108) does not appear capable of delivering a transaction item from the alleged customer station (12) to the alleged SP station (14). Furthermore, it appears that the location and length of the “off loading” ramps (96, 97) prevents worker access to the tray (108). Casale does not disclose that a “delivery device is selectively movable to deliver a deposited transaction item from either of the SP or customer stations to the other respective SP or customer station” in the manner recited.

Additionally, Casale does not disclose having the recited SP station and the recited customer station in the same building. In Casale the inner housing (52) is used by a customer or

patron. The inner housing (52) is separate from the alleged customer station (base housing 12) and the alleged SP station (second level housing 14). The inner housing (52) is part of a menu and display unit disposed on the lot containing the fast food building (10), preferably in the drive-up lanes (16, 18). The inner housing (52) is disposed at a distance from the pick-up window (22). The arrangement of Casale is similar to known drive-thru fast food establishments where the customer first places their order at a menu location, then drives to the pick-up window (22) to pay for and receive their previously placed order. Therefore, the transaction occurs by hand at the pick-up window (22). There is no delivery device at the inner housing (52). Since the food is picked up at the window, there is no need for such a delivery device at inner housing (52). Therefore, Casale does not disclose that “the SP station and the customer station are positioned inside of the building.”

McClure is specifically directed to “the servicing of bank customers at a customer service-facility outside the bank” (col. 1, lines 14-22). McClure further states that “General features of this invention comprise an exterior or customer station 10” and “an interior or bank station 18 desirably located within the bank” (col. 3, lines 31-36). McClure further indicates use of a “parking lot television scanner 100 by which an operator or teller on duty can become aware of a busy period” (col. 6, lines 26-35). McClure further indicates use of a “scanning television camera mounted remote from the operator station for scanning the approach to a patron station” (claim 12) and “said patron station includes means for conditioning the air temperature therein for the better operation of the television means at said patron station” (claim 13). Clearly, the customer or patron station (10) is located outside of a building. The teller and patron in McClure are not located within a common building. Therefore, McClure does not disclose that “the SP station and the customer station are positioned inside of the building.”

As nothing in the cited art discloses nor suggests the features and relationships that are specifically recited in the claim, and because there is no teaching, suggestion or motivation cited for combining features of the cited references so as to produce Applicants' invention, it is respectfully submitted that the claim is allowable for these reasons.

Fees For Additional Claims


Please charge the fees associated with the submission of one additional independent claim and one claim in excess of twenty claims (\$96) and any other fee due to deposit account 04-1077.

Conclusion

Each of Applicants' pending claims specifically recite features and relationships that are neither disclosed nor suggested in any of the cited art. Furthermore, there is no teaching, suggestion or motivation cited for combining features of the applied references so as to produce Applicants' invention. Allowance of all of Applicants' pending claims is therefore respectfully requested.

The undersigned will be happy to discuss any aspect of the Application by telephone at the Examiner's convenience.

Respectfully submitted,



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